

**STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2015-05**

**Re: Joint Application of New England Power Company  
d/b/a National Grid and Public Service Company of New Hampshire  
d/b/a Eversource Energy for a Certificate of Site and Facility**

**June 1, 2016**

**ORDER ON PENDING MOTIONS**

**I. BACKGROUND AND DESCRIPTION OF THE PROJECT**

On August 5, 2015, New England Power Company d/b/a National Grid (NEP) and Public Service Company of New Hampshire (PSNH) d/b/a Eversource Energy (collectively Applicant) filed a joint application for a certificate of site and facility (Application) with the Site Evaluation Committee (Committee). The Application seeks the issuance of a Certificate of Site and Facility (Certificate) approving the siting, construction and operation for a new 345 kV electric transmission line (Project). The proposed transmission line will be constructed in an existing developed transmission line corridor between NEP's Tewksbury 22A Substation in Tewksbury, Massachusetts and PSNH's Scobie Pond 345 kV Substation in Londonderry, New Hampshire. The pre-existing transmission line corridor traverses the towns of Pelham and Hudson in Hillsborough County, and Windham and Londonderry, in Rockingham County.

On November 30, 2015, Margaret Huard's motion to intervene was granted.

On May 2, 2016, Ms. Huard filed a Motion for Restrictive Treatment of Medical Records requesting that the Subcommittee prohibit the Applicant from having access to her medical records. On May 6, 2016, the Presiding Officer issued an order denying in part and granting in

part Ms. Huard's Motion. On May 5, 2016, a technical session was conducted in this docket. As a result of technical session, Ms. Huard agreed to provide to the Applicant the following documents:

- Any and all e-mails between Ms. Huard and the Hudson Fire Department regarding Ms. Huard's concerns about the Project;
- Any and all e-mails between Ms. Huard and the Hudson Fire Department regarding the January, 2016 incident alleged in Ms. Huard's pre-filed testimony; and
- Any and all e-mails between Ms. Huard and any third party regarding the January, 2016 incident alleged in Ms. Huard's pre-filed testimony.

Following the technical session the Subcommittee received the following motions:

- Ms. Huard's Motion to Object to Data Request 5 Request for Any and All E-Mails to the Hudson Fire Department Concerning the Project (MVRP);
- Ms. Huard's Motion to Object to Data Request 6 Request for All E-Mails to Hudson Fire Department Concerning Electric Shock Incident in 1/2016;
- Ms. Huard's Motion to Object to Data Request 7 Request for Any and All Third Party E-Mails Concerning Electric Shock Incident in 1/2016;
- Applicant's Motion to Compel Intervenor Huard's Response to Data Requests 5, 6, and 7 from the May 5, 2016 Technical Session;
- Ms. Huard's Motion to Clarify Medical Records;
- Ms. Huard's Motion to Clarify E-Mails; and
- Ms. Huard's Motion Objecting to Continued Unduly Oppressive and Unconstitutional Treatment.

This Order resolves these pending motions.

## **II. ANALYSIS AND FINDINGS**

### **A. Data Requests**

During the technical session, Ms. Huard agreed to provide the following documents to the Applicant: (i) any and all e-mails between Ms. Huard and the Hudson Fire Department regarding Ms. Huard's concerns about the Project; (ii) any and all e-mails between Ms. Huard and the Hudson Fire Department regarding the January, 2016 incident alleged in Ms. Huard's

pre-filed testimony; and (iii) any and all e-mails between Ms. Huard and any third party regarding the January, 2016 incident alleged in Ms. Huard's pre-filed testimony. Following the technical session, Ms. Huard refused to provide said documents to the Applicant and filed motions requesting the Subcommittee to preclude the Applicant from obtaining this documentation. The Applicant responded by filing a Motion to Compel production of these documents.

In her pre-filed testimony, Ms. Huard asserts that she has suffered from (i) a "small shock" from the existing powerlines in 2009/2010; (ii) "a significant pain and sensitivity from head to toe" after the removal of the pole within the right-of-way in 2012/2013; and (iii) "symptoms that often precede cardiac arrest" when she was taking pictures of existing structures in January, 2016. *See* Ms. Huard, Amended Pre-Filed Testimony, at 1. Ms. Huard relies on these instances to argue that the Project will have adverse effects on human health. During the technical session, Ms. Huard testified that she discussed her concerns and these instances with the Hudson Fire Department and other unidentified third parties. Ms. Huard's communication with the Hudson Fire Department regarding her concerns about the Project is relevant to these proceedings. Likewise, Ms. Huard's communication with the Hudson Police Department and third parties regarding the Project's impact on her health is relevant as well. Ms. Huard's communication with the Hudson Fire Department and other third parties may corroborate or refute allegations made in this docket by Ms. Huard. Ms. Huard's communication with the Hudson Fire Department and other third parties is neither confidential nor privileged. Therefore, Ms. Huard's Motions to Object Data Requests 5, 6 and 7 are denied. The Applicant's Motion to Compel is granted.

Ms. Huard shall provide the following documents to the Applicant forthwith: (i) any and all e-mails between Ms. Huard and the Hudson Fire Department regarding Ms. Huard's concerns about the Project; (ii) any and all e-mails between Ms. Huard and the Hudson Fire Department regarding the January, 2016 incident alleged in Ms. Huard's pre-filed testimony; and (iii) any and all e-mails between Ms. Huard and any third party regarding the January, 2016 incident alleged in Ms. Huard's pre-filed testimony.

**B. Motion to Clarify Medical Records**

Ms. Huard asserts that, during the technical session, the Counsel for the Applicant requested her to answer variety of questions regarding her medical records and indicated that he was "all set." Following the technical session, the Subcommittee issued an order denying Ms. Huard's request to preclude the Applicant from having access to her records. Ms. Huard seeks clarification of the Order. Ms. Huard asserts that the medical records need not be provided in light of the Applicant's representation at the technical session.

The Applicant did not withdraw its request for Ms. Huard's medical records. Attorney Needleman's statement that he was all set was not a withdrawal of his motion. Therefore, the motion for clarification is denied and the prior order requiring production of the medical records remains in effect. The Applicant remains subject to the obligation of confidentiality contained in the prior order.

**C. Motion to Clarify E-Mail**

Ms. Huard asserts that she received the Presiding Officer's Order on her Motion for Restrictive Treatment of Medical Records right after she filed Motions to Object Data Requests 5, 6 and 7. Ms. Huard requests the Subcommittee to clarify whether the Order on Medical Records addressed her Motions to Object Data Requests 5, 6 and 7.

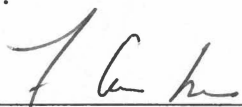
The Order on the Motion for Restrictive Treatment of Medical Records did not address Ms. Huard's Motions to Object Data Requests 5, 6 and 7. Please see Section II, A of the Order on Ms. Huard's Motions to Object Data Requests 5, 6 and 7.

**D. Motion Objecting to Continued Unduly Oppressive and Unconstitutional Treatment.**

Ms. Huard asserts that the Subcommittee and Presiding Officer subjected her to unduly oppressive and unconstitutional treatment. She objects to such treatment.

Neither Ms. Huard's motion nor any other document in this docket contains facts that would demonstrate that the Subcommittee and/or Presiding Officer in this docket have subjected Ms. Huard to unduly oppressive or unconstitutional treatment. Ms. Huard's claim is unsupported by any facts in the record. The Motion Objecting to Continued Unduly Oppressive and Unconstitutional Treatment is denied and overruled.

So ordered this first day of June, 2016:



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F. Anne Ross  
Site Evaluation Committee  
Presiding Officer